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June 3, 1981

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US EPA RECORDS CENTER REGION 5



515811

Re: U.S. v. Reilly Tar & Chemical Corporation
File No. Civ. 4-80-469

Dear Steve:

Thank you for your letter of June 2, 1981, and the enclosures therewith relating to certain water samples that were collected in St. Louis Park. I have sent a copy of your letter and the enclosures to John Craun at ERT and asked for his analysis of them.

We have recently noticed and herewith enclose for your information, a copy of a page from the May 29 issue of "Inside EPA." In the article it indicates that work is expected to commence pursuant to a Superfund notice at the Reilly Tar site in St. Louis Park, Minnesota, on June 30, 1981. This is just to remind you and all concerned that we have in the past expressed an interest in commenting upon and assisting with reasonable corrective measures to be taken at the Reilly Tar site. We do not know what work is going to be commenced by June 30. Our purpose in asking for copies of any samples of the finished water was to provide a basis for future evaluation of the question whether additional treatment was necessary, and, if so, what kind.

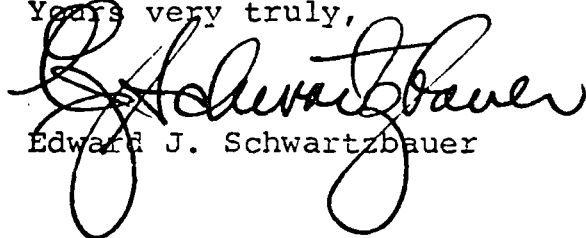
We also pointed out to you in our letters of March 3, 1981 and March 27, 1981 that corrective action taken under Superfund at this time is taken without the benefit of a national contingency plan and without the benefit of regulations adopted pursuant to the Act. We believe that it was the intent of Congress in enacting Superfund that a person asked to take corrective action must be

Stephen Shakman, Esq.
Page Two

June 3, 1981

able to determine whether or not his actions are or are not in accordance with criteria to be set forth in a national contingency plan and in the regulations. Under the present circumstances Reilly is in no position to determine its possible exposure to the federal government, the state government or others for expenditures which may be made. Therefore, we believe that any action taken at this time by any governmental body is taken at that body's own risk. In view of all of the foregoing, we trust that you will give to Reilly and its consultants an opportunity to review the water samples which you have only today furnished to us and that you will also advise us of any future actions or expenditures which are intended with respect to the Reilly site so that Reilly may have an opportunity to evaluate and comment upon the reasonableness of such proposed actions or expenditures.

Yours very truly,

A handwritten signature in dark ink, appearing to read "E. Schwartzbauer", written over the typed name.

Edward J. Schwartzbauer

EJS:ml

cc: Allen Hinderaker, Esq.
Francis X. Hermann, Esq. ✓
Robert Polack, Esq.
Thomas E. Reiersgord, Esq.
Mr. John Craun